

**United States District Court  
for the District of Massachusetts  
Report on Offender Under Supervision**

**Name of Offender:** Brian Sturdivant

**Case Number:** 12-CR-10107

**Name of Sentencing Judicial Officer:** Honorable D. Brock Hornby, U.S. District Judge, District of Maine

**Name of Assigned Judicial Officer:** To be determined

**Date of Original Sentence:** 5/25/07

**Original Offense:** Possess with Intent to Distribute More Than Five Grams of Cocaine Base, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(B) (three counts)

**Original Sentence:** 108 months' custody, followed by 5 years' supervised release

**Date of 1st Sentence Modification:** 5/16/08

**1st Modified Sentence:** 87 months' custody, followed by 5 years' supervised release

**Date of 2nd Sentence Modification:** 11/1/11

**2nd Modified Sentence:** 60 months' custody, followed by 5 years' supervised release

**Type of Supervision:** Supervised Release

**Date Supervision Commenced:** 11/1/11

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**NON-COMPLIANCE SUMMARY**

The offender has not complied with the following condition(s) of supervision:

**Violation Number**      **Nature of Noncompliance**

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**Violation of Standard Condition #7:** The defendant shall refrain from the excessive use of alcohol and shall not purchase, possess, use, distribute or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician.

On 3/5/13, Brian Sturdivant provided a urine sample for drug testing. Laboratory analysis of that sample revealed that it was both diluted and positive for marijuana.

**U.S. Probation Officer Action:** On 3/21/13, the probation officer asked Mr. Sturdivant about his drug use. When the probation officer confronted Mr. Sturdivant with the test results, Mr. Sturdivant admitted that he had been smoking marijuana on occasion, with his last reported use on or about 3/14/13. Mr. Sturdivant and the probation officer discussed his reasons for drug use and assessed whether there was a need for a treatment-based intervention. Mr. Sturdivant related that he is confident that he is not in need in treatment. Given Mr. Sturdivant's commitment to ceasing his marijuana use, and the fact that this was Mr. Sturdivant's first positive drug test, the probation officer is not making a treatment referral at this time. However, the probation officer is enrolling Mr. Sturdivant in a random drug testing program in order to more closely monitor his sobriety or drug use.

The Probation Office respectfully suggests that no formal judicial action is required at this time. If the Court concurs, it is requested that Your Honor so indicate in the space provided below.

Reviewed/Approved by:

/s/ Joseph LaFratta  
Joseph LaFratta  
Supervising U.S. Probation Officer

Respectfully submitted,

By /s/ Brett Wingard  
Brett Wingard  
U.S. Probation Officer  
Date: 4/1/13

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Approved  
 Submit a Request for Modifying the Conditions or Term of Supervision  
 Submit a Request for Warrant or Summons  
 Other

\_\_\_\_\_  
Signature of Judicial Officer

\_\_\_\_\_  
Date

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